



General Assembly

January Session, 2019

Amendment

LCO No. 10226



Offered by:

SEN. WINFIELD, 10th Dist.
REP. STAFSTROM, 129th Dist.
REP. REBIMBAS, 70th Dist.
SEN. KISSEL, 7th Dist.

To: Senate Bill No. 1115

File No. 767

Cal. No. 370

"AN ACT CONCERNING A STUDY OF THE STATE'S CIVIL LAWS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivisions (9) and (10) of subsection (a) of section 54-
4 192h of the general statutes, as amended by section 1 of substitute
5 senate bill 992, as amended by Senate Amendment Schedules "A" and
6 "K", are repealed and the following is substituted in lieu thereof
7 (*Effective October 1, 2019*):

8 (9) "Law enforcement officer" means:

9 (A) Each officer, employee or other person otherwise paid by or
10 acting as an agent of the Department of Correction;

11 (B) Each officer, employee or other person otherwise paid by or

12 acting as an agent of a municipal police department;

13 (C) Each officer, employee or other person otherwise paid by or
14 acting as an agent of the Division of State Police within the
15 Department of Emergency Services and Public Protection; and

16 (D) Each judicial marshal, state marshal [, bail commissioner] and
17 adult probation officer; [and]

18 (10) "Bail commissioner or intake, assessment or referral specialist"
19 means an employee of the Judicial Branch whose duties are described
20 in section 54-63d; and

21 [(10)] (11) "School police or security department" means any police
22 or security department of (A) the constituent units of the state system
23 of higher education, as defined in section 10a-1, (B) a public school, or
24 (C) a local or regional school district.

25 Sec. 2. Subsections (b) and (c) of section 54-192h of the general
26 statutes, as amended by section 1 of substitute senate bill 992, as
27 amended by Senate Amendment Schedules "A" and "K", are repealed
28 and the following is substituted in lieu thereof (*Effective October 1,*
29 *2019*):

30 (b) (1) No law enforcement officer, bail commissioner or intake,
31 assessment or referral specialist, or employee of a school police or
32 security department shall:

33 (A) Arrest or detain an individual pursuant to a civil immigration
34 detainer unless (i) the detainer is accompanied by a warrant issued or
35 signed by a judicial officer, (ii) the individual has been convicted of a
36 class A or B felony offense, or (iii) the individual is identified as a
37 possible match in the federal Terrorist Screening Database or similar
38 database;

39 (B) Expend or use time, money, facilities, property, equipment,
40 personnel or other resources to communicate with a federal
41 immigration authority regarding the custody status or release of an

42 individual targeted by a civil immigration detainer, except as provided
43 in subsection (e) of this section;

44 (C) Arrest or detain an individual based on an administrative
45 warrant;

46 (D) Give a federal immigration authority access to interview an
47 individual who is in the custody of a law enforcement agency unless
48 the individual (i) has been convicted of a class A or B felony offense,
49 (ii) is identified as a possible match in the federal Terrorist Screening
50 Database or similar database, or (iii) is the subject of a court order
51 issued under 8 USC 1225(d)(4)(B); or

52 (E) Perform any function of a federal immigration authority,
53 whether pursuant to 8 USC 1357(g) or any other law, regulation,
54 agreement, contract or policy, whether formal or informal.

55 (2) The provisions of this subsection shall not prohibit submission
56 by a law enforcement officer of fingerprints to the Automated
57 Fingerprints Identification system of an arrested individual or the
58 accessing of information from the National Crime Information Center
59 by a law enforcement officer concerning an arrested individual.

60 (c) Prior to responding to a request for notification of [an
61 individual's] the release date and time from custody of a law
62 enforcement agency of an individual suspected of violating a federal
63 immigration law or who has been issued a final order of removal, the
64 law enforcement officer shall forward the request to the head of the
65 law enforcement agency for review.

66 Sec. 3. Subsection (e) of section 54-192h of the general statutes, as
67 amended by section 1 of substitute senate bill 992, as amended by
68 Senate Amendment Schedules "A" and "K", is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2019*):

70 (e) (1) Upon receiving a civil immigration detainer, a law
71 enforcement agency shall provide a copy of the detainer to the affected

72 individual who is the subject of the detainer and inform the individual
73 whether the law enforcement agency intends to comply with the
74 detainer. If a law enforcement agency provides ICE with notification
75 that an individual is being, or will be released on a certain date, the
76 law enforcement agency shall promptly provide to the individual and
77 to the individual's attorney or shall make a good faith effort to contact
78 one other individual who the individual may designate, a copy of such
79 notification as well as the reason, in writing, that such law enforcement
80 agency is complying with the detainer.

81 (2) All records relating to ICE access maintained by law enforcement
82 agencies shall be deemed public records under the Freedom of
83 Information Act, as defined in section 1-200. Records relating to ICE
84 access include, but are not limited to, data maintained by the law
85 enforcement agency regarding the number and demographic data of
86 individuals to whom the agency has provided ICE access, the date ICE
87 access was provided to an individual, the type of ICE access provided
88 to an individual, the amount of resources expended on providing ICE
89 access and any communication between the law enforcement agency
90 and any federal immigration authority. No provision of this section
91 shall be construed to require disclosure of any record exempt from
92 disclosure under section 1-210 or 1-215.

93 (3) Beginning January 1, 2020, the legislative body of any
94 municipality with a law enforcement agency that has provided ICE
95 access to an individual during the prior [month] six months shall
96 provide to the Office of Policy and Management, on an ongoing
97 [monthly] basis every six months, data regarding the number and
98 demographic data of individuals to whom the law enforcement agency
99 has provided ICE access, the date ICE access was provided to an
100 individual and whether the ICE access was provided as part of
101 compliance with a civil immigration detainer or through other means.
102 Data may be provided in the form of statistics or, if statistics are not
103 maintained, as individual records, provided personally identifiable
104 information is redacted."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	54-192h(a)(9) and (10)
Sec. 2	<i>October 1, 2019</i>	54-192h(b) and (c)
Sec. 3	<i>October 1, 2019</i>	54-192h(e)